IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36480 of 2007(P)

PETITIONERS:

1. K.A. GOPINATHAN, S/O.BALAKRISHNAN NAIR,
   VETTUVOR KANDIYIL HOUSE,
   CHERUPPA AMSOM AND DESOM
   KOZHIKODE TALUK.

2. K. PREETHA, W/O. K.A. GOPINATHAN,
   VETTUVOR KANDIYIL HOUSE,
   CHERUPPA AMSOM AND DESOM
   KOZHIKODE TALUK.

3. K.A. SHYLAJA, W/O. T.BALAN,
   VETTUVOR KANDIYIL HOUSE,
   CHERUPPA AMSOM AND DESOM
   KOZHIKODE TALUK.

BY ADV. SRI.P.VIJAYAKUMAR

RESPONDENTS:

1. STATE OF KERALA,
   REPRESENTED BY DISTRICT COLLECTOR,
   COLLECTORATE, CIVIL STATION, KOZHIKODE.

2. DEPUTY TAHSILDAR,
   BANK LOAN ARREAR COLLECTION,
   REVENUE RECOVERY,
   KOZHIKODE-4.

3. THE VILLAGE OFFICER,
   MAVOOR VILLAGE OFFICER,
   REVENUE RECOVERY,
   KOZHIKODE-4.

4. THE MANAGER,
CANARA BANK (S.S.I.BRANCH,
JAIL ROAD),KOZHIKODE.

R1 TO R3 BY GOVERNMENT PLEADER
SRI.MATHEW GEORGE VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.36480 of 2007 P

Dated this the 11th day of December, 2007.

JUDGMENT

The first petitioner's father Balakrishnan Nair was running a tile factory. He had availed an overdraft from the 4th respondent bank. There was default in repayment of the loan. Revenue recovery steps were taken as per Exts.P1 (a) and P1(b). Petitioner has filed a suit O.S.No.349/06 before the Munsiff's Court, Kozhikode challenging the revenue recovery proceedings. According to the petitioner, orders are not passed on the interlocutory applications. In the meanwhile, Ext.P4 order was passed purported to be under Section 65 of the Revenue Recovery Act. The petitioners challenge the same.

2. In my view, since the petitioners have already approached the civil court, it is for them to move the same court, if they are aggrieved by Ext.P4. Petitioners are at liberty to do so. To enable the petitioners to make an

appropriate motion before the Civil Court, enforcement of Ext.P4 shall be kept in abeyance for a period of six weeks from today.

Writ petition is disposed of as above.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//

P.S. To Judge